

Without proper meds, mentally ill inmates in Fresno County Jail feel ... LOCKED IN TERROR

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Body Text: The Fresno County Jail has been a place of terror and despair for mentally ill inmates who spiral deeper into madness because jail officials withhold their medication.

About one in six jail inmates is sick enough to need antipsychotic drugs to control schizophrenia, bipolar disorders and other psychiatric conditions, but many sit for weeks in cells without medication previously prescribed by private doctors, say family members, lawyers and psychiatrists. If the inmates do get medication, it's often at a lower dose or is a cheaper generic substitute that doesn't work as well, they say.

Six years ago, the jail drastically cut back on psychiatric drugs. A county official said the intent was to curb drug abuse by inmates faking mental illness. Critics say it was part of the county's cost-cutting efforts.

But the drug policy has raised costs significantly in other areas. Taxpayers spend millions of dollars each year on the inmates -- above and beyond the cost of caring for them in the jail. As their mental conditions deteriorate, many lose the ability to help in their own defense and must go to state mental hospitals for treatment. Fresno County has sent nearly 400 inmates since 2007 to state mental hospitals, more per capita than all of California's largest counties except Kern.

For many, a hospital stay is a short reprieve from psychosis. Medicine prescribed by psychiatrists at state hospitals isn't continued once inmates return to the jail, and their instability returns. Repeated trips to state hospitals are all too common, judges say. One Fresno inmate was admitted to a mental hospital nine times before his trial ended.

Besides the cost of expensive hospital treatment, taxpayers also foot the bill when trials are delayed, courts are backlogged and the jail is overcrowded.

Fresno County officials say they meet their legal obligations for providing psychiatric services -- and the 2010-11 grand jury, which investigated, concurred. But at least one judge wanted to hold a county official in contempt of court for the county's treatment of mentally ill inmates. And the county now faces lawsuits from a group that previously only sued state prisons over medical conditions and from a family whose relative was killed by a cellmate with mental illness.

Advocates for inmates say they are beginning to see improvements. The county has brought in new leadership at the jail for psychiatric care and is taking steps to turn jail medical and psychiatric services over to a private contractor with expertise in jail medical care. Changes are needed, because failing to properly care for mentally ill inmates has left the community at risk, advocates say. All too often, families suffer the consequences.

The relatives of one mentally ill offender say the jail's refusal to properly medicate him turned him into a ticking time bomb. Within a day of his release from jail, they say, Travis Fendley no longer could ignore the voices sparked by his schizophrenia that allegedly told him to strangle his grandmother. He is now in jail, charged with her death.

Fendley's family says his illness was allowed to spin out of control -- with tragic outcomes -- while he was in Fresno County Jail last year on other charges.

It was a terrifying time for Fendley. It became even more so for his grandmother.

From family accounts, Fendley, 23, was agitated and nervous when he was released from Fresno County Jail on Dec. 17. His aunt, Becky Alford of Fresno, picked him up and planned to drive him to a psychiatric hospital.

Fendley warned his aunt: "Things aren't going to turn out well."

He hadn't been given antipsychotic medication while in Fresno County Jail, his family says, and he told them "the demons in his head" were ordering him to hurt himself and his loved ones. He tried more than once to kill himself, including trying to slash his throat while locked up, his family says.

Alford tried to calm her nephew, but nothing worked. He jumped out of her car and started walking to his grandmother's home in east-central Fresno. He called Alford from there, begging to spend the night with the 78-year-old woman.

A winter storm was coming and her nephew needed a place to stay, but Alford was fearful to let Fendley be alone with her mother. Joyce Frazier was frail, and Fendley had just spent 10 days in jail on a charge that he punched her. Frazier always forgave her grandson, and she would let him spend the night unless Alford forbade it.

Alford compromised: Fendley could stay -- but only in the garage.

The next morning, Alford couldn't reach Frazier by telephone -- Fendley answered twice and said his grandmother was asleep. She rushed to her mother's home. The dog was barking and the screen door, always secured, was unlocked. Fendley's cigarettes were on the kitchen table.

"I went hollering down the hallway for my mom, and I found her laying on her bedroom floor -- dead," Alford said.

A series of changes

Critics say the care of mentally ill inmates at the Fresno County Jail underwent a steady decline brought on by policy decisions and dwindling budgets.

In 1998 and 2000, the jail's medical and psychiatric services were accredited by the Institute for Medical Quality, a Bay Area organization that examines prisons and jails in California. It was the agency that verified the jail met constitutional standards of care.

The accreditation was voluntary. The agency reviewed the jail's policies, procedures and medical records and interviewed jail medical staff and inmates.

But the county didn't apply for re-accreditation in 2002, citing budget problems, said Janet Herrala, administrator of the institute's corrections and detentions health care program.

Oversight of jail psychiatric services also changed hands. The county's behavioral health department, which provides outpatient psychiatric services to the community, also oversaw services at the jail. But faced with a \$16 million budget deficit at the end of 2005, then-director of behavioral health Giang Nguyen turned jail psychiatric services over to

the department of public health, which was then led by Dr. Edward Moreno.

Since public health already provided medical services at the jail, officials thought it made sense to consolidate the psychiatric and medical services, said Susan Anderson, who served three terms on the Fresno County Board of Supervisors before retiring in 2012.

"When the county does anything like that, it's always about saving money," she said.

With the consolidation, jail psychiatric services were folded into a department that was more comfortable giving flu shots, inspecting restaurants and running sexually transmitted disease and tuberculosis clinics than managing people with acute psychoses.

Merging the jail's medical and psychiatric services under the public health department didn't end budget hemorrhages. Within two years of taking control of jail psychiatric services, Moreno got approval from the Board of Supervisors to eliminate the 11 p.m. to 7:30 a.m. nursing shift to save \$768,231. The sheriff's jail staff could be trained to screen incoming inmates for health problems at night, Moreno said in 2008.

In an April interview, Moreno said he warned Fresno County supervisors that cuts to his department's budget would likely delay routine medical matters and lengthen the time inmates would wait until they saw medical personnel.

He also cautioned: "There would be instances when some inmates would not be seen at all."

Joanne Cox, a jail correctional officer who retired three years ago, noticed a change in the assessment process when night-shift officers began screening inmates at booking.

"I had the impression it wasn't as thorough," she said. "It was more checklist-oriented, and they didn't seem to research it any more than that. If you weren't exhibiting some kind of a problem, they would say, 'He's fine,' until it became a crisis call."

A complete assessment at booking can put in motion how quickly an inmate has access to a jail psychiatrist and is prescribed treatment and medications.

It didn't come quickly enough for Marco Lopez, a former Marine who served in the Iraq war and was arrested on suspicion of bank robbery in 2011. He was previously diagnosed with bipolar disorder and post-traumatic stress disorder. His mother, Brigitte Lopez, said he waited almost two weeks before county mental-health staff evaluated him following his arrest.

His mental condition quickly deteriorated when the jail withheld medications Lopez was taking before being put in custody, his mother said.

"He didn't get anything for the first 10 days," she said. "He was in a seclusion cell by himself, he was hearing voices and he was a behavior problem."

Lopez said he eventually was given one-quarter of his normal dose of Depakote for bipolar disorder, which did not help. He said he was given nothing for psychosis during the almost two months he was in the jail.

County officials cannot comment on individual cases, county counsel Kevin Briggs said.

Lopez, 30, is now out on bail and living with his parents in northeast Fresno while awaiting trial. And he is again taking Abilify, his antipsychotic medicine.

In their desperation to help, family members of Lopez and other inmates said they took prescribed drugs to the jail or gave them to law

enforcement. They later learned those drugs never got to their loved ones.

Jail officials don't know what drugs are in the bottles that family members bring, and can't simply hand them over to inmates, said Fresno County Undersheriff Tom Gattie: "What seems to be logical in the real world is completely different in the jail."

Defense lawyer Barbara Hope O'Neill, who once represented Fendley, said she frequently gets calls from families worried because inmates aren't getting proper medication. Abruptly stopping a drug prescribed for mental illness can be dangerous, she said.

"I'll call the (county) psychiatric department, and either nothing gets done or it takes weeks to get something done," she said.

Solitary confinement

When Lopez's mental state worsened, the nightmare deepened: he wound up in a part of the jail that inmates call "The Dog House."

There are 10 single-bunk cells located in each of the four upper floors where inmates -- often with mental illnesses and in need of medications -- go when they lose touch with reality or are considered a danger to themselves or others.

Each cell has a cot, a small table and a combination toilet/sink. There's no television.

Every other day, the inmates can shower and spend a brief time outside the cell, often walking in circles in a room with some step equipment in a corner and an unused ping-pong table. The room is called a gym.

Once inmates are back in their cells, their only contact with the outside world is through a slot in the steel door. Food -- and medications, if any -- is delivered through the slot, and inmates often yell at each other or officers to communicate.

Those who may hurt themselves or someone else or destroy property wind up in padded cells. Lopez recalls banging his head against the wall and getting into fights with correctional officers before being put in a padded cell.

There, they have no bunk, no sink. A hole in the middle of the floor is the toilet. Their clothes are taken away, and they're given a modesty garment that can't be fashioned into a noose. They also may end up in a restraint chair, where their movements are restricted.

The isolation can push those inmates deeper into madness.

Sharon Alexander said her son, Wesley Alexander, who has schizophrenia, was traumatized by the time he spent in an isolation cell last year.

Alexander, 48, was accused in May 2012 of raping a woman who he thought was his girlfriend when both were at Crestwood Fresno Psychiatric Health Facility, a private program on contract with the county.

He told his mother that at one point in the jail, he was overcome with thirst and tried to sip water from the toilet hole after fashioning a straw out of cellophane. He also placed a sock down the drain to sop up water, she said.

While at Crestwood, he had been prescribed antipsychotic medications. After his arrest, a doctor at the facility made sure his medical records were delivered to the jail and advised jail officials to continue his antipsychotic prescriptions, his mother said.

When he didn't get the drugs, his mental state quickly deteriorated.

"I had no clue that this went on at the jail, that they were not given medication," Sharon Alexander said.

Reducing drug costs

Around the time that Moreno cut the nursing night shift, public health officials began looking at other ways to reduce jail health costs. The amount spent for psychiatric drugs stood out.

The county began a review of its drug formulary, a list of medications allowed for inmates. Generic drugs, which cost less than brand-name equivalents, were chosen whenever possible, Moreno said.

Two drugs -- Seroquel, used to treat schizophrenia symptoms, and Wellbutrin, an antidepressant -- were yanked from the formulary list, except in isolated cases.

The savings were dramatic: The amount spent yearly on psychotropic drugs dropped by 89% over five years, from \$924,372 in 2006-07 to \$194,975 in 2008-09 and then to \$99,302 in 2011-12. Drug costs that had consumed 28% of the \$3.3 million jail psychiatric budget six years ago were down to 3%.

In March 2009, two jail officials presented a paper about the restricted formulary at a meeting of the California Department of Corrections and Rehabilitation's Council on Mentally Ill Offenders in Seaside, near Monterey. The council identifies the most cost-effective ways to keep the mentally ill from breaking laws, and to treat them once they are incarcerated.

The title of the paper by George "Bud" Laird, a psychologist who was the county's correctional health division manager from May 2006 until he retired in January 2012, and Pratap Narayan, the jail's full-time psychiatrist: "Formulary Controls: Abuse of Psychotropics and Dispensary Costs in the Incarceration Environment."

Two targeted drugs -- Seroquel and Wellbutrin -- were rife for abuse by inmates, they said. Jail medical officials believed inmates would fake mental illness to get them. Inmates call Seroquel "baby heroin" because of its effects, Laird said, and Wellbutrin causes a rush similar to speed when crushed or snorted.

The budget savings were coincidental, Laird said.

"I was not pressured to cut costs at the jail," Laird said in an interview last month.

Narayan would not comment on the record.

Shortly after the drugs were banned, jail mental-health staff reported no increase in crisis calls and no more inmates placed in safety cells to prevent suicide or injuries to themselves or others, both Laird and Moreno said.

Fresno County may have been justified in restricting Wellbutrin and Seroquel because of abuse concerns, said Rusty Selix, executive director of Mental Health America of California, a citizen-based advocacy organization. But withholding the drugs from everyone is not a good practice, he said: "You can't be so simplistic as to say, 'If you're already on it, you can't stay on it.'"

"There are definitely people who need those drugs. For some, they're the only drugs that will work."

Soon after Fresno County eliminated the two drugs, other counties took their cue and stopped dispensing Wellbutrin and Seroquel.

Even though county officials maintain otherwise, family members of Fresno County inmates and other critics contend the county chose which drugs to give inmates based on price, not therapeutic value.

Fendley's aunt says that when he was not in jail, he was taking four drugs -- the antipsychotic medication Latuda, the anti-anxiety medication clonazepam and two antidepressants, Prozac and trazodone.

Latuda has a retail price of \$674 for a month's supply, Alford said. Clonazepam cost \$37, trazodone cost \$11.99 and Fluoxetine, the generic for Prozac, cost \$35. Medi-Cal covered Fendley's prescription costs when he was out of jail, but inmates lose the government insurance benefits and the county has to pick up the tab.

Jail psychiatric staff gave only Prozac to Fendley, Alford said.

The consequence, said his relatives, was that Fendley slipped further from reality. His mother, Pamela Frazier, questioned the jail's decision to give him only the antidepressant. A psychiatrist told her that doing so could worsen symptoms of schizophrenia.

Under fire

In 2010, the jail's medication policies were investigated by the Fresno County grand jury, which had received a complaint about medications being withheld or changed, leaving mentally ill inmates incompetent to stand trial.

The grand jury cleared the jail of making significant medical errors and said the law required only that it provide "emergency and basic health care services to all inmates."

However, the grand jury added a caveat: "When medication prescribed at State Hospitals appears to be successful, jail mental health practitioners should make every effort to consider the rationale, which led to that successful regimen of medication."

The county's limited jail medication policies soon captured the attention of the Prison Law Office, an Oakland group that had up until then only sued state prisons over medical conditions.

In 2011, Fresno became the first county in California to be sued by the nonprofit law center. The lawsuit, which seeks to improve conditions at the jail, is now in settlement negotiations.

The Prison Law Office said the jail's policies made the decision to sue a no-brainer. "We singled out Fresno County because of the stories we were hearing about their refusal to prescribe medications," said Kelly Knapp, a staff lawyer.

Some jails are cautious about prescribing drugs with addictive qualities or high street value, but medications restricted in Fresno County run the gamut -- from highly abused to rarely abused drugs, Knapp said.

She said jail medical staff decide against continuing medications without adequate justification: "That's what's unique about Fresno."

The cost savings the county got from its restricted drug formulary have become costly to defend: Through June 30, the county has paid nearly \$228,000 to McCormick Barstow, the Fresno law firm handling its defense.

The suit names as defendants the Sheriff's Office, which runs the jail, and the Fresno County Department of Public Health.

The county's legal representative, Michael G. Woods, said Sheriff Margaret Mims is not opposed to good medical care for inmates in her jail. The intent "is to make whatever changes are necessary to provide the quality of medical care constitutionally required for inmates in the jail," Woods said.

Mims and members of Fresno County's Board of Supervisors would not comment for this story upon the advice of counsel because of the Prison Law Office lawsuit.

In April, a lawsuit related to the county's mental health services for inmates was filed by the family of a homeless Fresno man who was attacked in the jail and died later at a hospital. The wrongful death and civil-rights lawsuit names Mims, Moreno, Narayan, Laird and other jail and public health staff. They also are named in the Prison Law Office suit.

The lawyers for the family of Troy Dewayne Phillips, 47, said his cellmate, who by the accounts of other inmates and his own lawyer had serious mental problems, stabbed Phillips more than a dozen times with a pencil.

The family's lawyer, Peter Grenier of Washington, D.C., said jail officials and jail medical staff practiced "deliberate indifference" in Phillips' death by ignoring the medical needs of Jose "Jesse" Cuevas, 27, of Fresno, and keeping Phillips in a cell with him.

Jail officials knew Cuevas was violent and had mental problems, Grenier said.

"It was cruel and unusual punishment," he said. "It was like putting Troy in a snake pit."

It's rare for inmates and inmates' families to sue over jail conditions, said Fresno civil lawyer Warren Paboojian. One reason: payouts for pain and suffering are limited to \$250,000, he said.

Inmates also are not sympathetic defendants, and the cost to hire experts for technical medical testimony can amount to about one-third of the award, Paboojian said.

Judicial concerns

But such suits might find some sympathetic ears in Fresno's legal community.

Judges have become increasingly concerned about inmates becoming incompetent to stand trial, being treated at state mental hospitals and then becoming incompetent again after returning to county jail custody.

Over the years, Fresno County Superior Court Judge Hilary Chittick, who runs behavioral health court every other week for people whose mental health issues led to criminal charges, has questioned jail psychiatric policies.

They had a "different perspective. I am not saying what perspective is correct, but there is no question there are different perspectives on the way to handle" mentally ill inmates, she said.

Another Fresno County judge has found the county's treatment of mentally ill inmates so wanting that he threatened to hold the jail's chief psychiatrist in contempt of court.

Frustrated about inmates going back and forth between the jail and state mental hospitals, Judge Jon Skiles a few months ago ordered jail psychiatric staff to give medications to an inmate who had returned from Atascadero State Hospital. He said he told jail medical staff "to give any, and all, medications prescribed by the state hospital. If it wasn't done, I would file an order to show cause for contempt."

Skiles later learned that there is no legal basis for him to file such an order.

Jail psychiatrists have to assess and make their own diagnosis when patients are booked, and that includes when they return from state mental hospitals, Moreno said. "In many instances, doctors will arrive at the same diagnosis, but sometimes they will arrive at a different diagnosis."

Agreement on a diagnosis, however, doesn't guarantee the inmate will continue getting the same medication that was prescribed at the state hospital.

"We may start him or her on another antipsychotic medication that is just as effective," Moreno said. For example, if an inmate had been given Seroquel at the state hospital, "they would have to get approval before continuing on Seroquel," he said.

Even the county's behavioral health workers have locked horns with jail psychiatric staff over changing or withholding medications. The mental health department has guardianship over people with illnesses that prevent them from making health decisions for themselves.

There were times when jail psychiatric staff refused to prescribe medication that behavioral health had prescribed to inmates, said Donna Taylor, the county's director of behavioral health until retiring in mid-May. Behavioral health staff intervened and inmates received the medication, she said.

Costly decisions

The county may have saved millions on psychiatric medicines, but state taxpayers have paid many millions more for Fresno County inmates to go to mental hospitals to become competent to stand trial.

An average six-month state hospital stay costs \$108,000. A six-month course of Abilify -- a drug that several families said their relatives needed but never got in the Fresno County Jail -- is about \$9,000. In 2011-12, the last full year that statistics are available, 75 people were sent from the jail to three of the state's four mental hospitals.

Based on an average stay, the cost would have been \$8.1 million to state taxpayers. The state was unable to provide the actual cost.

Fresno County sends more inmates to state mental hospitals than almost every other large county in California. On a per-capita basis, only Kern County exceeded Fresno County in inmate admissions to state mental hospitals.

Inmates ping-ponging between the jail and state mental hospitals may not see a trial date for years. Getting a bed at a state mental hospital can take more than two months. According to a January 2012 Legislative Analyst's Office report on treating those who are incompetent to stand trial, the average wait time for a bed was 68 days in 2009-10, almost double the 35 days recommended by the courts.

The delay in placement "has been a challenge, and I know that's a concern of many counties," said Kathryn Gaither, chief deputy director of the Department of State Hospitals.

The department hopes to expand a pilot program that would allow inmates who can be quickly restored to competency to be treated in jail rather than at state hospitals, she said. "We think it will get them to trial faster and at a lower cost," Gaither said.

David Anguiano, 58, of Fresno never had to worry about getting a state hospital bed, however.

In 2007, he began a 5 1/2-year shuttle between Fresno County Jail and the state hospital system.

Anguiano's lawyer, Eric Green, said his client was mentally ill when he opened fire on May 23, 2007, on a mobile home of a Fresno man reputed to be his drug dealer. A Navy veteran and former electrician, Anguiano was under the care of Veterans Affairs. He was prescribed Seroquel and Effexor, an anti-depressant, his sister said, but he substituted those with street drugs and alcohol to control his illness and stay awake because he was paranoid his home would get attacked.

When he went to Fresno County Jail after the shooting, he got no medication for his illnesses, Green said. During court hearings, doctors said he was not competent to stand trial. By the end of May 2008, he made the first of nine trips to Metropolitan State Hospital in Los Angeles. Anguiano's last seven stays at the jail lasted, on average, fewer than 14 days. His state hospital stays averaged 64 days over the same time.

State hospital doctors prescribed Abilify and anti-depression medication, but Anguiano didn't get them after he returned to the Fresno jail, Green said. He was evaluated by the jail's psychiatrist, Narayan, who testified that Anguiano was faking some symptoms, the court transcript shows. Narayan testified, however, that Anguiano received medication for depression.

Narayan left jail employment in February. He now works at Avenal State Prison.

Anguiano grew sicker in jail when medication was withheld, and Judge Gary Orozco ruled that between hearings he should be returned to the state hospital, which kept a bed open for him. In nearly 12 years as a judge, he said, that happened only two other times in his courtroom.

Those repeated hospital trips to Los Angeles were necessary so he could obtain psychotropic medication, said Anguiano's sister, Marta Anguiano of Fair Oaks.

He was sentenced in December to life in prison on two counts of attempted murder. In January, he became ill at Wasco State Prison. He died from a bacterial infection in a Bakersfield hospital three days later.

The upshot of failing to properly medicate mentally ill inmates: "Justice delayed is justice denied," said Scott Baly, a Fresno County public defender who represented Tyrone Cowan, who was found guilty earlier this year of a 2007 murder and sentenced to life in prison without the possibility of parole.

Cowan, who his attorney said in court was diagnosed with mild retardation, bipolar disorder and other mental illnesses, was sent to Atascadero State Hospital four times leading up to his trial.

"It's difficult for all people involved in the process," said Baly, "including law enforcement, witnesses, the families of victims and defendants' families who rightly want closure from our criminal justice system."

Competency questioned

But some are suspicious of Fresno County's high number of jail inmates who are deemed incompetent and unable to stand trial. They say many inmates are faking and evaluators often are unfit to determine which inmates truly are too mentally ill to assist in their defense.

Debra Souza, now a forensic psychologist and criminologist, studied mental health services in Fresno County Jail for her doctoral dissertation at Alliant University in Fresno and found that the county lacks the guidelines, policies, procedures and training to make such determinations with any degree of accuracy. Her dissertation review committee included Narayan and Laird, the county's former correctional health division manager.

Based on her analysis, the rate of defendants declared incompetent to stand trial in Fresno County is more than twice the national average, which means the state is paying more than twice the national average to restore Fresno County inmates to competency.

Laird said in July that the idea that jails are full of mentally ill inmates is stigmatizing to the mentally ill. "The mentally ill are rarely involved in serious crimes," he said, and "if anything, the mentally ill are more often victims than perpetrators."

A high-level official in the Fresno County District Attorney's Office also isn't convinced that so many inmates are mentally ill.

Kelly Keenan, Fresno County's chief assistant district attorney, said claiming incompetency is a way to delay a case and buy time for defense lawyers. Malingering -- faking of mental health symptoms -- often takes months to expose, Keenan said.

"I don't know anything about how the jail treats them," Keenan said, but the incompetency statute "is written in such a way that the potential is

there to be taken advantage of.

"I have seen very few people who are truly incompetent," he said. "It's a habit or custom of the defense bar (in Fresno County) to use this more than other counties."

But there was no question about the incompetency of Scott Kinney, a Fresno defense lawyer who was arrested in 2008 for domestic violence and assault. Like his attorney father, Ernest Kinney, Scott Kinney has manic depression and a bipolar disorder and had taken lithium for nearly 15 years.

Concerned about the drug's long-term effects, Kinney had tried to switch to Abilify, but it didn't control his symptoms. And after his father passed away, Kinney worked long hours to keep the law practice going. Then came his arrest.

His mother was turned away at the jail when she brought his prescriptions, and just days later he started to lose control.

Kinney stayed behind bars about nine months. In the first five months, he lost 62 pounds.

While in jail, he said, he never got any medication, even though a judge ordered the jail to give it to him in the early stages of his case.

He was placed in solitary confinement in January 2009. Part of that time was spent in a restraint chair, a padded room or a "safety garment" until he was sent to Atascadero in May 2009.

"My behavior must have been bizarre," he said.

He was at Atascadero for 70 days and returned to the jail, he said, where he finally got his medication for one week before pleading no contest to a felony that was later reduced to a misdemeanor.

"They wait for you to fall apart before they take care of your medical condition (in the jail), but by then you think they're Martians and it's too late," he said. "The jail doesn't want to recognize that people will deteriorate, but when they do they'll become a bigger problem."

He was surprised to learn that some county officials believe many of the mentally ill are malingering.

"Yeah, right, like I was faking it," Kinney said.

Advocates for the mentally ill question how many inmates fake their symptoms. Nationwide, 16% of inmates have severe mental illness and on average, those diagnosed with mental illness are held in jails much longer than other inmates.

"A lot of people say they are faking it or malingering, but it would be stupid to do that because you spend three times longer in jail," said Pete Earley, a former Washington Post reporter turned mental health advocate after his son was diagnosed with mental illness.

Properly medicating inmates keeps the court system from backing up and adds extra space in the jail for inmates who should be there, said Fresno psychiatrist Howard Terrell. Inmates also get their lives back sooner, he said.

"You need to get them proper care right off the bat," Terrell said. "Get them healthy, so you don't need to go off to Atascadero. It relieves huge amounts of pain and suffering, costs to the jail, crowding in the jail and streamlines the legal system. Doing the right thing makes sense medically, ethically and financially."

Taking steps

Mental health and legal observers say change is on the way at Fresno County Jail. How much will depend on the county's spending priorities.

Some change is inevitable. Negotiations with the Prison Law Office to settle the 2011 lawsuit likely will require the county to improve conditions for mentally ill inmates, and new leadership in the county health department could result in new policies.

But in the past, supervisors have balked at using county general funds for health programs for county inmates, relying instead on funds the state provides from sales taxes and vehicle license fees.

It's unclear whether supervisors will switch gears and devote general funds to jail services. The budget remains the same as last year at \$3.037 million, but two new medical service jobs were added.

Before Moreno departed in May as public health officer and director of public health, he said the department was studying jail medical and psychiatric services, but warned that improvements would be costly.

Some changes have taken place or are under way. In February, jail psychiatrist Narayan resigned. He was replaced by Dr. Mayur Amin, who had spent 20 years working for the county's behavioral health department and oversaw the community's intensive mental-health services for some of that time.

The past six years, Amin also worked part-time in state prisons in Kern and Madera counties.

Dr. Robert Oldham, the county's interim health officer, said that since Amin was hired, there has been a marked increase in the number of inmates seen and treated for psychiatric illnesses.

"Everyone at Jail Psychiatric Services recognizes that this has been a problem and are trying to address the medical and psychiatric needs (of inmates)," he said.

Amin said he is comfortable working with psychiatrists in the community -- many of whom he knows personally -- and with state psychiatrists; he also is familiar with some of the jail inmates who he previously saw through the county's behavioral health department.

"I am coming in here with my own set of experiences," he said.

Fresno psychiatrist Terrell said he has seen changes since Amin was hired: more inmates are getting medications that are effective and psychiatrists now are at the jail on weekends to treat inmates.

Before, correctional officers were told not to call psychiatric staff unless they saw someone who was "acutely suicidal" or destroying state property, Terrell said. Now, he said, Amin wants their collaboration.

However, Amin is the only full-time psychiatrist at the jail. Two psychiatrists work part-time -- but their hours equal less than one full-time position.

While the jail complies with state law for minimum health staff standards, Moreno said, meeting the requirement is "a struggle, a challenge."

According to a 2000 American Psychiatric Association report on forensic psychiatry, inmates must have "timely access" to evaluation by a competent mental health professional. "More important than the number of staff is access to adequate care," the report said.

The Public Health Department has added staff -- a nurse practitioner and mental health clinician -- to expand psychiatric services at the jail.

Fresno County is considering re-establishing separate jobs for the health officer and health director, which were merged under Moreno.

And in response to criticism about conditions in the jail, the county is moving toward hiring a contractor to provide psychiatric and medical services. Taylor, the former Behavioral Health director who is now a

consultant for the Department of Public Health, said in July that the county will seek bids from qualified contractors.

John Navarrette, Fresno County administrative officer, said issues at the jail prompted the Board of Supervisors to consider privatizing medical and psychiatric services.

"I think certain items were brought to our attention that we needed to address and correct, and we need to see if there are ways we can become more efficient and more cost-effective," he said.

Contractors provide jail medical and psychiatric services in about 30 counties statewide, including Madera, Tulare, Kings, Merced, Stanislaus, San Benito and Monterey.

In addition, Taylor said, the jail has changed its policies, including attempting to keep inmates who are returning from a state hospital on the same medication, unless their behavior changes.

Harold Seymour, a Fresno psychologist who evaluates about 180 inmates for competency each year, said improvements had to be made at the jail.

"The jail just had a mess on their hands because nobody was getting the treatment that was clearly indicated," he said. This was tolerated by county officials, he said, because they didn't want to pay for expensive psychiatric drugs. "It was really sad," he said.

Had county officials closely examined the costs to taxpayers for state hospital admissions, travel costs to take inmates to and from treatment outside the county and lost time for deputies during transports, it should have been easy to recognize the county would save money by giving inmates their medication in the first place, Seymour said.

And the cost to the county likely will grow even higher.

Seymour expects more lawsuits, adding expense to the jail's psychiatric policies: "It's going to cost so much more than what the county saved on a short-term basis."

A family's tragedy

The cost to families can be immeasurable.

Fendley's family has been shattered since he was charged with strangling his grandmother.

Found mentally incompetent in March to stand trial, he began wasting away. He lost nearly 65 pounds in five months. On May 17, jail staff took him to Community Regional Medical Center, where he lay unconscious for more than two weeks.

In June, Fendley was sent to Atascadero State Hospital. There, he was treated with drugs and counseling so he could understand the charges he faces and assist in his defense. He was returned to the county jail in July to face charges. Atascadero sent him back to the jail with a new mental health diagnosis: personality disorder.

Pamela Frazier loves her son and wants him to get the care he needs for his mental illness.

"You love him, you don't hate him and you still hurt for him, but what I am afraid of is seeing the evil Travis," Frazier said. "I can't see that person again."

She also blames the county for her mother's death. Frazier said she warned jailers not to release her son because he was mentally ill and dangerous.

"We knew we had lost him mentally," she said. "We didn't think he would hurt my mother, but I believed he would hurt somebody."

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INFOBOX

EDITOR'S NOTE

The Fresno Bee first reported on allegations of inadequate care of mentally ill inmates at the Fresno County jail in 2009. The issue was thrust back into the spotlight in December when a man allegedly strangled his grandmother the day following his release from the jail. His family says he was diagnosed with schizophrenia as a teenager and doctors had prescribed psychiatric medication to control hallucinations and other symptoms, but he did not get the medications while in the jail. That example and others are part of the most extensive look ever taken locally at the problems caused by medications being withheld from jail inmates. Check out an enhanced online version of the story at beewatchdog.com/locked-in-terror. This investigative report is the result of eight months of reporting by The Bee's Marc Benjamin and Barbara Anderson. The Fresno County policy has cost taxpayers money, caused innocent victims to be caught up in violence and left mentally ill inmates in worse shape than when they were taken into custody.
